

JAN 22 2007

# KRIEG · DEVAULT <sup>LLP</sup>

## ATTORNEYS AT LAW

### FAX COVER PAGE

DATE: January 22, 2007

PAGES INCLUDING THIS PAGE: 15

TO: United States Patent and Trademark Office  
COMPANY: Examiner Alvin J. Stewart, Group Art Unit 3738

FAX NUMBER: 571-273-8300  
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FROM: Douglas A. Collier

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RE: Response to Office Action for U.S. Patent Application No. 10/648,056 to Jeff R. Justis, et al.

COMMENTS: I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office at 571-273-8300 on:

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PTO/SB/21 (09-04)

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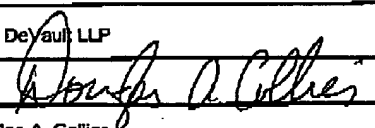
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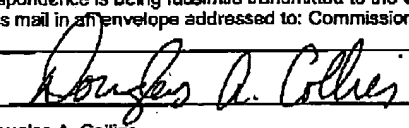
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/648,056	
	Filing Date	August 26, 2003	
	First Named Inventor	Jeff R. Jusis	
	Art Unit	3738	
	Examiner Name	Alvin J. Stewart	
Total Number of Pages in This Submission	14	Attorney Docket Number	MSDI-77/PC753.00

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement  <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Fax Cover Sheet
Remarks		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Douglas A. Collier		
Date	January 22, 2007	Reg. No.	43,556

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Signature			
Typed or printed name	Douglas A. Collier	Date	January 22, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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#876057

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent  
application of:  
Jeff R. Justis, et al.

Serial No. 10/648,056

Filed: August 26, 2003

SYSTEMS AND METHODS FOR  
INTERVERTEBRAL REDUCTION

)  
) Before the Examiner:  
) Alvin J. Stewart  
)

) Group Art Unit:  
) 3738  
)

) January 22, 2007  
)

) Atty Docket No.  
) MSDI-77/PC753.00  
)

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action mailed October 20, 2006, Applicants hereby submit the following remarks. No fees or extensions of time are believed due for consideration of the enclosed. However, please provide any extensions of time which may be necessary and charge any fees due or credit any overpayments to Deposit Account 12-2424, but not including the payment of issue fees.

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Response to Non-Final Office Action  
Ser. No. 10/648,056  
Atty Docket No. MSDI-77/PC753.00  
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